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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,313	03/13/2001	Gigi C. Gordon	GOR05 P-300A	1788

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,313

Applicant(s)

GORDON, GIGI C.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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Drawings

1. The drawings are objected to because in figures 1-4, each of the figures must be separately labeled, i.e. Fig. 1a, Fig. 1b, etc. Correction is required. **The applicant is reminded that all proposed drawing corrections must be shown in red and approved by the examiner. Therefore, any proposed drawing corrections should be submitted in the applicant's next response.**

Claim Rejections - 35 USC § 112

Claims 1-5 and 14-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 14, and 18, lines 3-4 are indefinite since it is not clear whether the unique cleaning articles are the same as the cleaning article mentioned earlier or are different. Also, if they are different is the applicant's intent to be limiting the unique cleaning articles to the group consisting essentially of wiping and absorbent devices? In claim 18, lines 7-8, there is no antecedent basis for "the specific intended cleaning".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-3,6-9 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter et al. (U.S. Patent No. 4,702,381).

Carter et al. shows in figures 1-3 the idea of labeling towels (T) with indicia (32) for indicating what the towel is to be used for, i.e. the towel with "HIS" is used for the man of the household and the towel with "HERS" is used for the lady of the house. Therefore the towel with "HIS" is used for cleaning the man's hands, body, face, etc. and the towel with "HERS" is used for cleaning the ladies' hands, body, face, etc. In regard to claim 3, each of the letters of "HIS" and "HERS" are considered to be symbols.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent No. 4,702,381).

In regard to claim 10, Carter et al. does not disclose whether the indicia has a color which is different from the color of the towel. It would have been obvious to one in the art to modify Carter et al. by making the indicia of the towel different from the color of the towel since this would allow the indicia on the towel to be seen in a better manner. In regard to claim 12, Carter et al. does not disclose how the indicia is applied to the towel. Lithographic, printing, and

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stenciling are all well known and conventional processes. It would have been obvious to one in the art to modify Carter et al. by using one of these techniques to attach the indicia to the towel since this would allow the indicia to be attached to the towel in an easier, faster, and less expensive manner.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent No. 4,702,381) as applied to claim 1 above, and further in view of Pirraglia et al. (Des. 390,403).

Carter et al. discloses the applicant's basic inventive concept except for making the outline of the scrubber in the shape of the cleaning article. Pirraglia et al. shows in figure 1 the idea of making the outline of a towel in the shape of a person. In view of the teachings of Pirraglia et al. it would have been obvious to one in the art to modify Carter et al. by making the outline in the shape of a person (in this case the cleaning article) since this would allow the desired towel to be identified in an easier manner.

7. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent No. 4,702,381) as applied to claims 1 and 7 above, and further in view of Inteso (U.S. Patent No. 4,598,488).

Carter et al. does not disclose making the indicia raised relative to the surface of the towel. Inteso discloses in figure 1 and in column 1, lines 10-20 the idea of embroidering indicia on a

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towel. The embroidered indicia would create raised indicia. In view of the teachings of Inteso it would have been obvious to one in the art to modify Carter et al. by making the indicia raised since this would create a more aesthetically pleasing display.

Claims 5, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent No. 4,702,381) as applied to claims 1 and 7 above, and further in view of Brach, Jr. et al. (U.S. Patent No. 5,487,203).

In regard to claims 5 and 13, Carter et al. does not disclose making the indicia raised relative to the surface of the towel. Brach, Jr. et al. discloses in figure 6 the idea of making the indicia (7) raised. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify Carter et al. by making the indicia raised since this would create a more aesthetically pleasing display. In regard to claim 11, Carter et al. does not disclose making the indicia recessed relative to the surface of the towel. Brach, Jr. et al. discloses in figure 5 the idea of making the indicia (7) recessed. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify Carter et al. by making the indicia recessed since this would create a more aesthetically pleasing display.

8. Claims 1-3, 6-10, 12, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Scotch-Brite scour pads with indicia" (listed on the form 1449).

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“Scotch-Brite scour pads with indicia” shows a scouring pad including indicia thereon. The indicia is on a package that encloses and engages the pad. The indicia is printed on the package and includes words which indicate that the pad is to be used on cast iron pots and includes a symbol of a pot. “Scotch-Brite scour pads with indicia” also indicates that another product “Scotch-Brite Cookware sponge” can be used on tubs. “Scotch-Brite scour pads with indicia” does not specifically show a second cleaning article for cleaning a different article. It would have been obvious to one in the art to modify “Scotch-Brite scour pads with indicia” by adding a “Scotch-Brite Cookware sponge” since this would allow a wider range of articles to be properly cleaned within a household. The indicia on the “Scotch-Brite Cookware sponge” would be similar to the indicia on the “Scotch-Brite scour pads with indicia” except it would be directed to the purposes of the “Scotch-Brite Cookware sponge”. In regard to claim 10, “Scotch-Brite scour pads with indicia” does not disclose whether the indicia has a color which is different from the color of the pad. It would have been obvious to one in the art to modify “Scotch-Brite scour pads with indicia” by making the indicia different from the color of the pad since this would allow the indicia to be seen in a better manner.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Scotch-Brite scour pads with indicia” as applied to claim 1 above, and further in view of Demner (U.S. Patent No. 3,496,589).

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“Scotch-Brite scour pads with indicia” discloses the applicant’s basic inventive concept except for making the outline of the scrubber in the shape of the cleaning article. Demner shows in figure 1 the idea of making the cleaning article in the shape of the article to be cleaned. In view of the teachings of Demner it would have been obvious to one in the art to modify “Scotch-Brite scour pads with indicia” by making the outline in the shape of the article to be cleaned since this would allow the desired cleaning article to be identified in an easier manner.

10. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Scotch-Brite scour pads with indicia” as applied to claims 1 and 7 above, and further in view of Rogers et al. (U.S. Patent No. 5,133,707).

“Scotch-Brite scour pads with indicia” does not disclose making the indicia raised. Rogers discloses in figures 1 and 2 and in column 2, lines 10-20 the idea of embossing the indicia on a sheet. In view of the teachings of Rogers et al. it would have been obvious to one in the art to modify “Scotch-Brite scour pads with indicia” by making the indicia raised since this would create a more aesthetically pleasing display.

Claims 5, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Scotch-Brite scour pads with indicia” as applied to claims 1 and 7 above, and further in view of Brach, Jr. et al. (U.S. Patent No. 5,487,203).

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In regard to claims 5 and 13, "Scotch-Brite scour pads with indicia" does not disclose making the indicia raised relative to the surface of the towel. Brach, Jr. et al. discloses in figure 6 the idea of making the indicia (7) raised. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify "Scotch-Brite scour pads with indicia" by making the indicia raised since this would create a more aesthetically pleasing display. In regard to claim 11, "Scotch-Brite scour pads with indicia" does not disclose making the indicia recessed relative to the surface of the towel. Brach, Jr. et al. discloses in figure 5 the idea of making the indicia (7) recessed. In view of the teachings of Brach, Jr. et al. it would have been obvious to one in the art to modify "Scotch-Brite scour pads with indicia" by making the indicia recessed since this would create a more aesthetically pleasing display.


Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 3:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



BRIAN K. GREEN
PRIMARY EXAMINER

bkg

Sept. 18, 2002